

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ANTHONY BUSSIE,
Plaintiff,

Case No. 1:14-cv-32

vs

Dlott, J.
Litkovitz, M.J.

HOUSE OVERSIGHT COMMITTEE,
et al.,
Defendants.

**REPORT AND
RECOMMENDATION**


Plaintiff, an inmate at the Federal Detention Center in Philadelphia, Pennsylvania, initiated this action by filing a *pro se* civil complaint without paying the requisite filing fee or submitting an *in forma pauperis* application in accordance with the Prison Litigation Reform Act of 1995 (PLRA), 28 U.S.C. § 1915(a)-(h). (Doc. 1). On January 14, 2014, the undersigned issued a Deficiency Order requiring plaintiff to either pay \$400 (\$350 filing fee plus \$50 administrative fee) or submit a motion for leave to proceed *in forma pauperis* in compliance with the PLRA within thirty (30) days. (Doc. 2). Plaintiff has filed an objection to the Deficiency Order. (Doc. 4).

It has recently come to the undersigned's attention that plaintiff "has accumulated at least three 'strikes'" within the meaning of 28 U.S.C. § 1915(g) and, therefore, is barred by that provision from proceeding *in forma pauperis* unless he is under imminent danger of serious physical injury. *See Bussie v. Boehner*, No. 14-cv-00077-MJR, 2014 WL 585377 (S.D. Ill. Feb. 14, 2014). Therefore, it is **RECOMMENDED** that plaintiff's objection to the January 14, 2014 Deficiency Order (Doc. 4) be **DENIED** and that the case be **DISMISSED** unless plaintiff pays

within thirty (30) days of the date of filing of any Order adopting this Report and Recommendation the \$400 fee (\$350 filing fee plus \$50 administrative fee) required to initiate this action.

IT IS SO RECOMMENDED.

Date: 2/24/14


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), WITHIN 14 DAYS after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections WITHIN 14 DAYS after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

cbc

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